

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH DANIEL SKUNKCAP,

Defendant.

CR 12-92-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on May 28, 2015. Defendant admitted he had violated Standard Condition 6 of his supervised release by failing to notify his probation officer of a change in residence, and he had violated Special Condition 6 of his supervised release by removing his location monitoring device. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of

imprisonment of six months, with 20 months of supervised release to follow. He also recommended that the term of supervised release should include six months of location monitoring.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he violated Standard Condition 6 and Special Condition 6. Defendant could be incarcerated for up to 24 months, followed by 26 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of six to nine months. A sentence of six months in custody, followed by 20 months of supervised release is appropriate. Defendant has violated the terms of his supervised release on two prior occasions. The sentence is sufficient but not greater than necessary.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 68) are **ADOPTED** in full and Judgment shall be entered accordingly.

DATED this 17th day of June, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris  
United States District Court Judge